

PATENT COOPERATION TREATY

Translation

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference Cas 0392		Date of mailing <i>(day/month/year)</i>
International application No. PCT/CH2004/000392		FOR FURTHER ACTION See paragraph 2 below
International filing date <i>(day/month/year)</i> 25.06.2004	Priority date <i>(day/month/year)</i> 10.07.2003	
International Patent Classification (IPC) or both national classification and IPC		
Applicant HAUTE ECOLE D'ARTS APPLIQUES		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/IEP	Authorized officer
Facsimile No.	Telephone No.

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Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims	1-7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO
2. Citations and explanations:			
<p>1. Reference is made to the following document in the present notification:</p> <p>D1: WO 97/24028 A (HUSHER INTERNATIONAL INC; PAGLERICCIO FERNANDO PAULO (CA); PAGLERI) 10 July 1997 (1997-07-10).</p>			
<p>2. Document D1, which is considered to represent the most relevant prior art, describes (see page 2, line 21 to page 3, line 6, page 4, lines 13 to 21, figure 1, the references between parentheses apply to this document) a muzzle (10) comprising a fastening element (14) for enclosing the mouth of an animal in order to prevent the opening thereof and means (16) for holding the element on the head.</p>			
<p>2.1 The subject matter of independent claim 1 differs in that said element is connected in such a way that it opens elastically as long as it is subjected to a force less than a limit value, and that it is blocked if this force is exceeded. The subject matter of claim 1 is therefore novel (PCT Article 33(2)).</p>			

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
2.2	The problem to be solved by the present invention may be considered to be that of improving a conventional muzzle which prevents an animal from biting, so as to allow the animal to drink and eat freely.
2.3	The elasticity of the muzzle of D1 allows the animal to open its mouth slightly to pant, but does not allow the animal to eat or drink. None of the documents cited in the search report suggest or bring the person skilled in the art to envision a muzzle which blocks beyond a limit value in relation to the force exerted by the animal to open its mouth. The solution to this problem as proposed in claim 1 of the present invention is considered to involve an inventive step (PCT Article 33(3)).
2.4	Claims 2 to 7 relate to particular embodiments of the muzzle stated in claim 1 and thus also comply, as such, with the requirements of novelty and inventive step of the PCT.